



# Department of Planning, Housing, & Community Development

Mayor, Richard C. David  
Director, Dr. Juliet Berling

## Staff Report Series A Site Plan Review (Updated)

<b>Planning Commission Date:</b>	<b>May 28, 2015</b>
<b>Address:</b>	<b>33 Riverside Drive</b>
<b>Tax Id #:</b>	<b>160.63-1-23</b>
<b>Case Number:</b>	<b>2015-19</b>
<b>Zoning:</b>	<b>Residential Single Unit Dwelling District (R-1)</b>

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### REVIEW REQUESTED

This application would provide for the extension of the existing driveway in order to construct a parking lot for a financial management office. This lot would yield eight (8) parking spaces, including one (1) handicapped space as well as landscaping, bushes and trees.

### STAFF FINDINGS AND RECOMMENDATIONS

*The applicant should provide planning staff with an updated site plan with means of egress for exiting vehicles.*

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

Staff recommends the following condition of approval:

1. That the applicant submit updated plans to Planning Staff for approval reflecting changes recommended by the Traffic Board, if any, at the June 18<sup>th</sup> Traffic Board Meeting.

### STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning

Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

## **ADDITIONAL REVIEWS**

The Zoning Board of Appeals (ZBA) approved the requested use variance to establish a commercial office (financial services) in the R-1, Single Unit Dwelling District on the 14<sup>th</sup> of May.

The Traffic Board will review the proposed curb opening on the west side of the property.

## **SITE REVIEW**

The subject property is located on the east end of Riverside Drive between Murray and Oak Streets and was previously used as a doctor's office. Land uses in the vicinity of the site are primarily residential with a synagogue and a museum located nearby.

## **PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY**

42 Murray Street: In 2013, the Zoning Board of Appeals approved the area variance for the construction of a carport on a residential lot that contains an existing garage in the R-2, Residential One and Two Unit Dwelling District.

31 Seminary Avenue: In 2009, the Zoning Board of Appeals denied area variances for minimum side setback, minimum total side setbacks, minimum rear setback and maximum lot coverage in the R-2, Residential One & Two Unit Dwelling District.

48-50 Walnut Street: In 2008, the Zoning Board of Appeals granted an area variance for lot size and denied an area variance for off-street parking and fence height.

63 Walnut Street: In 1996, the Zoning Board of Appeals denied area and use variances to allow the conversion of an apartment into an attorney's office.

100 Murray Street: In 1984, the Planning Commission granted a Special Use Permit to pave the rear of the property for an off-street parking area.

## **ENVIRONMENTAL IMPACT**

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission should act as the lead agency to determine any environmental significance related to the Site Plan and Special Use Permit.

1. Motion to determine what type of action:
  - a. Type I
  - b. Type II
  - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. After the Public Hearing, Determination of Significance. The Planning Commission is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF)– see

below.

**SEQR EAF Part 2 - Impact Assessment.** The Lead Agency (Planning Commission) is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the Planning Commission. When answering the questions the Planning Commission should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”

	<b>NO, OR SMALL IMPACT MAY OCCUR</b>	<b>MODERATE TO LARGE IMPACT MAY OCCUR</b>
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
Will the proposed action result in a change in the use or intensity of use of land?	X	
Will the proposed action impair the character or quality of the existing community?	X	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
Will the proposed action impact existing:  A. public / private water supplies?  B. public / private wastewater treatment utilities?	X	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	X	

Will the proposed action create a hazard to environmental resources or human health?	X	
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**EAF Part 3 - Determination of significance.** For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the Planning Commission determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.
- The Planning Commission may issue a Negative Declaration if it is determined that the proposed action will not result in any significant adverse environmental impacts.

## ENCLOSURES

Enclosed is a copy of the application, site plan, and photograph page.